

Article - Real Property

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§8–5A–04.

(a) This section applies to an action for possession of property under § 8–402.1 of this title against a tenant or legal occupant who is a victim of abuse.

(b) (1) A tenant is deemed to have raised a rebuttable presumption that the alleged breach of the lease does not warrant an eviction if the tenant provides to the court:

(i) A copy of a protective order issued for the benefit of the tenant or legal occupant under § 4–506 of the Family Law Article;

(ii) A copy of a peace order issued for the benefit of the tenant or legal occupant under § 3–1505 of the Courts Article for which the underlying act was an act of abuse; or

(iii) A report by a qualified third party, provided that:

1. The name and physical description of the alleged perpetrator are redacted; and

2. The alleged breach of the lease occurred within 60 days of the date the report was signed by the qualified third party.

(2) If an act of abuse is raised as a defense in an action for possession of property under § 8–402.1 of this title, the court, in its discretion, may enter a judgment in favor of a tenant who does not provide the evidence described in paragraph (1) of this subsection.

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